

PTO Form 1857 (Rev 9/05)

OMB No. 0651-0050 (Exp. 04/2009)

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78618407
LAW OFFICE ASSIGNED	LAW OFFICE 104
MARK SECTION (no change)	
ARGUMENT(S)	
This filing is supplemental to the Office Action response that was also filed today, and is not meant as a replacement thereof.	
GOODS AND/OR SERVICES SECTION (004)(no change)	
GOODS AND/OR SERVICES SECTION (009)(no change)	
GOODS AND/OR SERVICES SECTION (011)(no change)	
GOODS AND/OR SERVICES SECTION (014)(no change)	
GOODS AND/OR SERVICES SECTION (016)(class deleted)	
INTERNATIONAL CLASS	016
DESCRIPTION	
Paper, cardboard; books related to the subject of sports, recreation, entertainment and lifestyle book covers, gift cards, calendars, stickers, decalcomanias, bumper stickers, posters; stationery, note pads, binders, memo pads, agendas, diaries; writing instruments, pens, pencils, markers; cases for pens and pencils; non-textile labels; photographs; banners of cardboard, paper and card; signs; clipboards; notice boards	
FIRST USE ANYWHERE DATE	At least as early as 08/00/1977
FIRST USE IN COMMERCE DATE	At least as early as 08/00/1977
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (018)(no change)	
GOODS AND/OR SERVICES SECTION (020)(no change)	
GOODS AND/OR SERVICES SECTION (021)(no change)	
GOODS AND/OR SERVICES SECTION (024)(no change)	

GOODS AND/OR SERVICES SECTION (025)(no change)	
GOODS AND/OR SERVICES SECTION (027)(current)	
INTERNATIONAL CLASS	027
DESCRIPTION	Rugs; carpets; mats; floor coverings; wallpaper
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (027)(proposed)	
INTERNATIONAL CLASS	027
DESCRIPTION	floor coverings not of vinyl, namely, rugs, carpets, mats; wallpaper
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (028)(no change)	
GOODS AND/OR SERVICES SECTION (035)(no change)	
GOODS AND/OR SERVICES SECTION (036)(no change)	
GOODS AND/OR SERVICES SECTION (041)(no change)	
SIGNATURE SECTION	
DECLARATION SIGNATURE	/victor sapphire/
SIGNATORY'S NAME	Victor Sapphire
SIGNATORY'S POSITION	Attorney for Applicant
DATE SIGNED	11/09/2006
RESPONSE SIGNATURE	/victor sapphire/
SIGNATORY'S NAME	Victor Sapphire
SIGNATORY'S POSITION	Attorney for Applicant
DATE SIGNED	11/09/2006
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Nov 09 19:39:00 EST 2006
TEAS STAMP	USPTO/ROA-63.107.117.10-2 0061109193900868628-78618 407-3402cc67b682a9cfa67e8 86ab90a5a69d9-N/A-N/A-200 61109193540702601

PTO Form 1957 (Rev 9/05)

OMB No. 0651-0050 (Exp. 04/2009)

Response to Office Action**To the Commissioner for Trademarks:**

Application serial no. **78618407** has been amended as follows:

Argument(s)

In response to the substantive refusal(s), please note the following:

This filing is supplemental to the Office Action response that was also filed today, and is not meant as a replacement thereof.

Classification and Listing of Goods/Services

Applicant hereby deletes the following class of goods/services from the application.

Class 016 for Paper, cardboard; books related to the subject of sports, recreation, entertainment and lifestyle book covers, gift cards, calendars, stickers, decalcomanias, bumper stickers, posters; stationery, note pads, binders, memo pads, agendas, diaries; writing instruments, pens, pencils, markers; cases for pens and pencils; non-textile labels; photographs; banners of cardboard, paper and card; signs; clipboards; notice boards

Applicant hereby amends the following class of goods/services in the application as follows:

Current: Class 027 for Rugs; carpets; mats; floor coverings; wallpaper

Original Filing Basis: 1(b).

Proposed: Class 027 for floor coverings not of vinyl, namely, rugs, carpets, mats; wallpaper

Filing Basis: 1(b).

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34(a)(3)(i); and 2.34(a)(4)(ii). If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date. 37 C.F.R. Secs. 2.34(a)(1)(i). The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /victor sapphire/ Date: 11/09/2006

Signatory's Name: Victor Sapphire

Signatory's Position: Attorney for Applicant

Response Signature

Signature: /victor sapphire/ Date: 11/09/2006

Signatory's Name: Victor Sapphire

Signatory's Position: Attorney for Applicant

Serial Number: 78618407

Internet Transmission Date: Thu Nov 09 19:39:00 EST 2006

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